

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 SHELLI ROSE DEWEY,

10 Petitioner, 3:13-cv-00317-LRH-WGC

11 vs.

12 DWIGHT NEVEN, *et al.*,

13 Respondents.

14 \_\_\_\_\_ / **ORDER**

15 This action is a petition for writ of habeas corpus by Nevada prisoner Shelli Rose Dewey.

16 The action was stayed on January 26, 2016, pending completion of Dewey's state court litigation.

17 *See* Order entered January 26, 2016 (ECF No. 52).

18 On July 5, 2017, Dewey filed a Motion to Lift Stay (ECF No. 55). In that motion, Dewey  
19 states that her state court litigation has been completed, and she asks that the stay of this action be  
20 lifted. Respondents filed a response on July 19, 2017, indicating that they do not oppose the lifting  
21 of the stay (ECF No. 57).

22 Therefore, good cause appearing, it is ordered that Dewey's Motion to Lift Stay (ECF No.  
23 55) is granted. The stay of this action is vacated. The Clerk of the Court shall reopen this case.

24 It is further ordered that, pursuant to Federal Rule of Civil Procedure 25(d), the Clerk of the  
25 Court shall substitute Dwight Neven for Carolyn Myles, on the docket for this case, as the

26 ///

1 respondent warden of the Florence McClure Women's Correctional Center, and shall update the  
2 caption of the action to reflect this change.

3 It is further ordered that the following schedule shall govern the further litigation of this  
4 action:

5 1. Second Amended Petition. Petitioner shall have 60 days from the date of this order to file  
6 a second amended petition for writ of habeas corpus.

7 2. Response to Second Amended Petition. Respondents shall have 60 days following the  
8 filing of petitioner's second amended petition to file and serve an answer or other further response to  
9 the second amended petition.

10 3. Reply and Response to Reply. Petitioner shall have 60 days following service of an  
11 answer to file and serve a reply. Respondents shall thereafter have 30 days following service of a  
12 reply to file and serve a response to the reply.

13 4. Briefing of Motion to Dismiss. If respondents file a motion to dismiss, petitioner shall  
14 have 60 days following service of the motion to file and serve a response to the motion.  
15 Respondents shall thereafter have 30 days following service of the response to file and serve a reply.

16 5. Discovery. If petitioner wishes to move for leave to conduct discovery, petitioner shall  
17 file and serve such motion concurrently with, but separate from, the response to respondents' motion  
18 to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery filed by  
19 petitioner before that time may be considered premature, and may be denied, without prejudice, on  
20 that basis. Respondents shall file and serve a response to any such motion concurrently with, but  
21 separate from, their reply in support of their motion to dismiss or their response to petitioner's reply.  
22 Thereafter, petitioner shall have 30 days to file and serve a reply in support of the motion for leave to  
23 conduct discovery.

24 6. Evidentiary Hearing. If petitioner wishes to request an evidentiary hearing, petitioner  
25 shall file and serve a motion for an evidentiary hearing concurrently with, but separate from, the  
26 response to respondents' motion to dismiss or the reply to respondents' answer. Any motion for an

1 evidentiary hearing filed by petitioner before that time may be considered premature, and may be  
2 denied, without prejudice, on that basis. If petitioner files a motion for an evidentiary hearing,  
3 respondents shall file and serve a response to that motion concurrently with, but separate from, their  
4 reply in support of their motion to dismiss or their response to petitioner's reply. Thereafter,  
5 petitioner shall have 30 days to file and serve a reply in support of the motion for an evidentiary  
6 hearing.

7

8 DATED this 20th day of July, 2017.

9

10

11

12

13

14

15

16

17

18

19

20

21

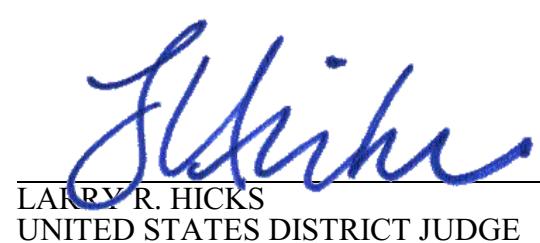
22

23

24

25

26



A handwritten signature in blue ink, appearing to read "Larry R. Hicks". The signature is fluid and cursive, with a horizontal line drawn underneath it.

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE